

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

BILLY JONES,

Plaintiff,

vs.

No. 1:13-cv-00741-RB-WPL

**ESPAÑOLA MUNICIPAL SCHOOL DISTRICT,
SUPERINTENDENT JANETTE ARCHULETA and
MARTHA FERNANDEZ,**

Defendants.

Consolidated with

BILLY JONES,

Plaintiff,

vs.

No. 1:13-cv-01250-KBM-RHS

**CHILDREN, YOUTH AND FAMILIES
DEPARTMENT,**

Defendants.

**STIPULATED MOTION TO DISMISS COUNT III OF PLAINTIFF'S FIRST AMENDED
COMPLAINT AGAINST DEFENDANTS ESPAÑOLA MUNICIPAL SCHOOL DISTRICT
AND SUPERINTENDENT JANETTE ARCHULETA**

Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), Plaintiff and Defendants Española Municipal School District and Superintendent Janette Archuleta hereby stipulate to the dismissal of Plaintiff's Fourteenth Amendment equal protection claim, Count III of Plaintiff's First Amended Complaint for Recovery of Damages Due to Deprivation of Civil Rights and Violation of Title II of the Americans with Disabilities Act, with prejudice.¹

WHEREFORE, the parties respectfully request that Plaintiff's equal protection claim as stated in Count III of his First Amended Complaint be dismissed with prejudice.

¹ Count III was previously dismissed as to Defendant Martha Fernandez by this Court. Document 55, filed 12/09/14.

Respectfully Submitted,

KENNEDY KENNEDY & IVES, LLC

/s/ Joseph P. Kennedy

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NARVAEZ LAW FIRM, P.A.

Approved via email on January 20, 2015

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CERTIFICATE OF SERVICE

I hereby certify that I served the above pleading on opposing counsel on the day of its filing
via the CME/CF filing system.

/s/ Joseph P. Kennedy

JOSEPH P. KENNEDY